

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Casino Entertainment Unlimited, Inc.  
(CEU), an Oklahoma corporation,

Plaintiff,

v.

Shawn W. Ives, et al.,

Defendants.

Case No. 09-CIV-235-RAW

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**ORDER**

This case was originally filed on December 12, 2008 regarding a contract dispute. Defendant Shawn W. Ives answered the complaint, and filed a cross-claim on May 14, 2009 [Docket No. 19]. The matter is currently set for Pretrial Conference on March 14, 2011 and jury trial on April 4, 2011.

On February 17, 2011, Plaintiff was directed to show cause no later than March 3, 2011 as to why it failed to submit a settlement conference statement and why it failed to appear with a corporate representative at the settlement conference [Docket No. 75]. The parties were further ordered to show cause no later than March 3, 2011 why a proposed pretrial order was not submitted pursuant to a previous order. The order also directed the parties to submit a pretrial order no later than March 7, 2011. That order stated "Failure of any party to timely respond to the court pursuant to this order may result in the case being dismissed for failure to prosecute, or may result in default judgment being entered." Defendant Ives responded to the order to show cause on February 23, 2011 and requested appointment of counsel. To date, Plaintiff has failed to respond. Additionally, to date, no pretrial order has been submitted for the scheduled trial.


This case has been at a stalemate for quite some time. A review of the Docket Sheet reflects multiple delays, omissions and inactions by all parties and counsel. The parties have repeatedly refused to move this case toward trial or resolution. In the court's latest order dated February 17, 2011, the court stated: "Nine extensions of time have been requested in this case. Plaintiff requested time in other "status reports" that are not included in this number. Three of the motions were filed after the deadline for completion had passed. Additionally, four orders to show cause have been entered." [Docket No. 75].

While failure to accomplish one of these items individually would not be reasonable grounds for dismissal of this matter, this court believes that repeated failure to obey the court's orders regarding all of the above-mentioned tasks is sufficient grounds for dismissal for the failure to prosecute by all parties. Pursuant to Rule 41(b) and Olsen v. Mapes, 333 F.3d 1199, n.3 (10<sup>th</sup> Cir. 2003), a court has the authority to dismiss a case *sua sponte*.

Therefore, for the above mentioned deficiencies, this case is dismissed without prejudice. Plaintiff's Motion in Limine [Docket No. 67] and Defendant Ives' Motion for Appointment of Counsel [Docket No. 76] are both MOOT.

Dated this 8th day of March, 2011.

**Dated this 8<sup>th</sup> day of March, 2011.**

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma